

3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acres
Recreation	Shafer Reservoir within SE $\frac{1}{4}$ of SW $\frac{1}{4}$	30	5N	4W	MD	
Irrigation	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	25	5N	5W	MD	5
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	25	5N	5W	MD	25
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	36	5N	5W	MD	3
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	31	5N	4W	MD	1
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	30	5N	4W	MD	30
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	30	5N	4W	MD	12
					TOTAL	76

*projected

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 49 acre-feet per annum to be collected from November 1 of each year to May 1 of the succeeding year at Point of Diversion No. 1 and from November 15 of each year to April 30 of the succeeding year at Points of Diversion No. 2 and No. 3. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 2 cubic feet per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 2005. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. Permittee shall maintain the existing outlet pipe for Shafer Reservoir in proper working order. (000S001)

13. For the purpose of determining the amount of water diverted and used under this permit, permittee shall install and properly maintain: 1) a staff gage in Shafer Reservoir, and 2) devices capable of measuring the instantaneous rate of diversion to offstream storage and the cumulative quantity of water diverted from each of Points of Diversion No. 2 and No. 3. All measuring devices shall be satisfactory to the State Water Resources Control Board.

Permittee shall record the staff gage reading on or about October 1 of each year and as often as necessary to differentiate the quantity of local stream inflow stored from that diverted from Points of Diversion No. 2 and No. 3. The measuring devices at the latter points of diversion shall be recorded as often as necessary to determine the maximum instantaneous rate of diversion to offstream storage and the cumulative quantity of such diversions. A summary of measuring device readings and quantities diverted shall be maintained by permittee and made available to interested parties upon reasonable request and shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

Permittee shall allow a designated representative of the William Hill Wine Company and the Buena Vista Winery, Inc., and all successors in interest, each reasonable access to Shafer Reservoir and the diversion and measuring facilities at Points of Diversion No. 2 and No. 3 for the purpose of verifying staff gage and measuring device readings and determining water levels in the reservoir. (0070047)
(0100047)

14. This permit is specifically subject to the prior rights of Buena Vista Winery, Inc., or its successors in interest, under appropriations issued pursuant to Applications 23239, 23240, and 24278 and any other legally held prior right. (000T001)

15. Permittee shall bypass all flows in the Unnamed Stream tributary to Mud Slough (Point of Diversion No. 1) until such time as the prior storage rights of William Hill Wine Company, or its successors in interest, under appropriation issued pursuant to Application 29096 are satisfied during each collection season. Permittee shall not be obligated to release water that was stored in the reservoir from a previous storage season or that was diverted from Points of Diversion No. 2 and No. 3. (0000051)

16. For the protection of fish and wildlife in Huichica Creek, diversion under this permit from Points of Diversion No. 2 and No. 3 shall be subject to maintenance of the following minimum flows in Huichica Creek:

- a) from November 15 through November 30, 2 cubic feet per second;
- b) from December 1 through February 29, 10 cubic feet per second;
- c) from March 1 through April 30, 2 cubic feet per second.

No diversion from Points of Diversion No. 2 and No. 3 shall take place under this permit if the flow in Huichica Creek is, or would be reduced by such diversion, below the designated rates. To ensure compliance with this condition, by June 1 of each year permittee shall file a report with the Chief, Division of Water Rights containing the following information:

- Dates during the previous period of November 15 through April 30 when water was diverted from Points of Diversion No. 2 and/or No. 3; and
- Flows measured in Huichica Creek under this permit during the same dates when water was diverted at Points of Diversion No. 2 and/or No. 3. (0140060)

17. No water shall be diverted under this permit from Points of Diversion No. 2 and No. 3 until permittee has installed a device, in Huichica Creek, satisfactory to the State Water Resources Control Board, which is capable of measuring the minimum flows specified in term 16. Said measuring device shall be properly maintained. (0060062)

18. For the protection of California freshwater shrimp, permittee shall not divert water under any claim of right from Points of Diversion No. 2 and No. 3 during the period of May 1 through November 14 of each year; and permittee shall cooperate with the Napa County Resource Conservation District in carrying out the Natural Resource Protection and Enhancement Plan for the Huichica Creek Watershed in accordance with the document entitled: "Huichica Creek Watershed: Natural Resource Protection and Enhancement Plan", copy of which is on file with the State Water Resources Control Board, or any appropriate amendments thereto. (0600500)

19. The total quantity of water diverted under this permit, together with that diverted under the appropriation issued pursuant to Application 26823B, shall not exceed 49 acre-feet per annum. (0000114)

20. For the protection of fish and wildlife, Permittee shall plant a minimum of one tree and two shrubs for every 15 feet of shoreline of Shafer Reservoir as measured at the high water mark. Such trees and shrubs must be consistent with those found within the area and shall be approved by the California Department of Fish and Game prior to furnishing and planting by permittee. Trees and shrubs shall be of at least 5 gallon size and 1 gallon size respectively, and shall be planted within 100 yards of the shoreline. The trees shall be planted within one year after the issuance of this permit and shall be maintained such that 75% of the trees will have survived after 3 years. Trees may be planted in groves to maximize wildlife benefits. Cattails and bulrushes, if established naturally, shall be retained by permittee along the perimeter of the reservoir to provide wildlife habitat.

After completion of the tree planting program, photo documentation showing the trees and the reservoir shall be submitted to the Chief of the Division of Water Rights. (0400500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **FEBRUARY 20 1996**

STATE WATER RESOURCES CONTROL BOARD

David R. Beeinger
for Chief, Division of Water Rights